

The Local Government Association
Local Government House
Smith Square
London SW1P 3HZ
Telephone 020 7187 7329
Employers' Side Secretary, Sarah Messenger
e-mail: david.algie@local.gov.uk

POLICE STAFF COUNCIL (PSC)

UNISON
UNISON Centre, 130 Euston Road
London NW1 2AY
Telephone 020 7121 5272
Trade Union Side Secretary, Ben Priestley
e-mail: b.priestley@unison.co.uk

**To: Police and Crime Commissioners (copy enclosed for Treasurer)
Chief Constables (copy enclosed for Force Personnel/HR Manager)**

**cc: PSC Members
Forces in Scotland and MPS (for information only)**

17 May 2016

JOINT CIRCULAR No. 85

Dear Sir/Madam

Employment Appeal Tribunal Bear Scotland vs. Fulton

The Police Staff Council has reached an agreement to reflect the outcome of Bear Scotland vs Fulton in terms of police staff. This agreement is intended to minimise the administrative burden on forces while making a fair and comprehensive payment to police staff.

It is recognised that many Police Staff Council Handbook allowances and entitlements are already paid to police staff for all periods of annual leave in accordance with contractual entitlements and existing collective agreements, e.g. shift pay, unsocial hours allowance, contractual overtime and weekend working allowance. This agreement will not change how any of these payments are made.

However, for the purpose of the four weeks (20 days) annual leave payment, under Regulation 13 of the UK Working Time Regulations police forces should reckon the following as 'normal remuneration' for payment:

- All forms of non-contractual overtime, for both full time and part time workers (including plain time overtime where applicable) including that payable as part of rest day working compensation;
- Acting up Allowance;
- Standby Allowance.

The payment is to be effective from 1 January 2016¹ and are pensionable except in accordance with LGPS regulations – payments made in recognition of leave that has not been taken (e.g. upon leaving employment) are not pensionable.

The calculation for payment is 20/365 of total of payments identified in the list above paid during a 12 month reference period, which we propose would be the rolling 12 month prior to commencement of the allowance². Forces would have discretion in relation to the frequency of payment. We feel that the notion of a reference period is relevant to allow calculations to be made at a given point in time and enable fair payment to individuals.

In respect of how any arrears prior to the 1st January 2016 will be treated, a pro-rata back payment determined by the employer and based on either actuals or an average amount is to be paid to cover the three month period prior to the 1st January 2016.

If you require further information please contact from the Employers' Side: David Algie on 020 7187 7329 / david.algie@local.gov.uk .On the Trade Union Side please contact David Bryant 020 7121 5326 / d.bryant@unison.co.uk or Ben Priestley 020 7121 5272 / b.priestley@unison.co.uk

Yours faithfully

BEN PRIESTLEY
SARAH MESSENGER

PSC National Joint Secretaries

Notes:

¹ Forces to be given discretion of when to commence allowance due to difficulties in obtaining the details to base their calculation upon

² Reference period would be rolling 12 month prior to commencement of allowance.